REMARKS

I. INTRODUCTION

Applicants thank the Examiner for her efforts in examining the application and respectfully request reconsideration of the present application in view of the reasons that follow.

II. STATUS OF THE CLAIMS

Claims 1-4 and 6-13 are pending. No claims have been added, cancelled, or amended. Claims 1, 2, and 9 are independent.

III. CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-4 and 6-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over either WO 02/14423 to Kuraray Co. or JP 001-26663 to Sanwa Kako KK, in combination with EP 1229076 to Mitsui Chemicals, Inc. Applicants respectfully traverse these grounds for rejection.

Neither Kuraray or Sanwa disclose compositions comprising ethylene/polar monomer copolymer (A2), as required by independent claims 1, 2, and 9. The Examiner suggests that addition of copolymer (A2) to the compositions disclosed in Kuraray or Sanwa would be obvious, because Mitsui teaches that addition of EVA copolymers improves the tear strength of the formulas. Applicants respectfully disagree.

Mitsui does not teach that adding EVA copolymers improves tear strength. Mitsui only discloses that a composition comprising EVA copolymer that has excellent tear strength could be obtained. (Mitsui, paragraphs 47-50.) Mitsui, however, is silent concerning the possible effects that increasing or decreasing EVA level might have on tear strength.

Moreover, the data of the examples in Mitsui do not teach that adding EVA copolymers improves tear strength. Mitsui Table 1 shows tear strengths of several compositions without EVA copolymer, while Mitsui Table 2 shows similar data for several compositions with EVA copolymer. These tables do not disclose similar compositions,

where the only difference is the addition of EVA, so no direct evidence of the effect of EVA is readily apparent. And, taken as a whole, Mitsui Table 1 non-EVA compositions have tear strengths of 2.7-3.3 kg/cm, while Mitsui Table 2 EVA compositions have tear strengths of 2.6-3.0 kg/cm. One of ordinary skill in the art would certainly not be motivated to add EVA copolymer to increase tear strength based on these data.

Applicants' data also refute the Examiner's suggestion; it appears from the data that addition of EVA copolymer actually decreases tear strength. Indeed, the data of Table 2 on page 41 of the specification indicate that, all other things being equal, tear strength decreases with increasing EVA content. (Compare tear strength to EVA content of Ex. 3, Ex. 5, and Comp. Ex. 3.) This suggests that one of ordinary skill attempting to increase the tear strength of Example 3 by adding EVA would instead observe the decreased tear strength of Example 5. These results would not persuade one of ordinary skill to modify the compositions of Kuraray or Sanwa to include the EVA of Mitsui.

Applicants' data also shows unanticipated benefits of the claimed compositions. The data of Table 2 show that compositions containing an ethylene/polar monomer copolymer such as ethylene/vinyl acetate copolymer or ethylene/methacrylic acid copolymer demonstrate excellent adhesion to polyurethane synthetic leather. This adhesion is improved compared to compositions that do not contain such a copolymer. (See Table 2, comparing adhesive strength of Ex. 5 and Ex. 6 to that of Ex. 3.) Kuraray, Sanwa, and Mitsui are all silent regarding adhesive strength, so one of ordinary skill would not anticipate the improvement seen in the claimed compositions.

Another unanticipated benefit of the claimed compositions is an improvement in foam product specific gravity that is possible through incorporation of an ethylene/polar monomer copolymer, while still maintaining the characteristic properties of compression set, impact resilience, and high temperature hardness. (See Table 2, comparing properties of Ex. 5 and Ex. 6 to that of Ex. 3.) Again, the cited references are silent regarding improved specific gravity, so one of ordinary skill would not anticipate the benefit seen in the claimed compositions.

Because Mitsui does not teach an improved tear strength from EVA copolymers and because the claimed compositions demonstrate unanticipated benefits over the teachings and suggestions of the cited references, it would not be obvious to combine the disclosures of the cited references to produce Applicants' claimed compositions. Applicants therefore respectfully request withdrawal of the rejections of claims 1-4 and 6-13.

CONCLUSION

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 1/27/10

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